

David Andrew D'Zmura
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February 14, 2003

Group Director
Group Art Unit 3712
Technology Center 3700
Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D. C. 20231

re: Patent Application No. 09/849,582
Sole Applicant/Sole Inventor: David Andrew D'Zmura (pro se independent inventor)
Agent/Attorney: None
My Reference Number: None
Group Art Unit: 3712
Examiner: Mr. Kurt Fernstrom

Petition Requesting Relief of Restriction

Dear Group Director:

I am petitioning you, and request relief of the restriction requirement which has been placed on my pending patent application, No. 09/849,582. I have made reasoned arguments directly to the examiner of my application, Mr. Kurt Fernstrom, and he has not removed the restriction requirement, hence, I am writing to you, to petition for the relief of the restriction.

At the outset, I would like to provide you with a summary of my pending application. It is a thorough, complete and comprehensive system delineating my innovative form of astrology, and as such, contains and requires the many components of this delineation, constituting methods, mapping systems, astronomical processes, star and symbol catalogues, astrological charts, etc. To subject its interlocking, mutually enabling, parts to partitioning is akin to dividing off the parts of a unified body, dissecting off the hands, the feet, the head, etc. - the body no longer functions, and the necessary and apparent connections between the separated parts are lost to all but the astute. I refer you to my election with traverse of October 2, 2002, wherein my inventions are not unrelated.

Expressly, my pending application was examined by Mr. Fernstrom during its examination under its priority international application, my PCT/US00/28838. Mr. Fernstrom examined my set of claims in formulating the Written Opinion (Form 408) and in formulating the International Preliminary Examination Report (Form 409). The claims which are pending in my application are identical to the set of claims examined in those two prior examinations. Hence, the argument that the examination of my set of claims involves an undue burden to the examiner seems hollow, given that he has already examined the full set of claims on two prior occasions during my PCT.

February 14, 2002

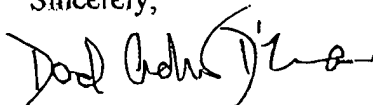
Group Director
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page two of two

Moreover, as he has already examined the claims twice, I argue those results to stand at this stage. It is my understanding of USPTO protocol, that the examination results of one USPTO examiner are to be respected by another USPTO examiner. Thus, in this particular situation, it would seem all the more to be followed, given that in the PCT phase, Mr. Fernstrom was the examiner of my patent material, in conjunction with Supervisory Examiner, Mr. Kien Nguyen.

For your record, the claims approved in my PCT are identical to the claims 4, 11-27, 29, 30. The IPER contended prior art references pertaining to claims 5, 9 and 10, and to 6, 7 and 8. Thus, the only claims requiring examination at this stage are my added, inter-related, claims 31, 32, and 33. Lastly, I would like to add for your record a copy of my reasoned arguments on the inapplicability of the prior art references cited against the claims 5, 9 and 10, and 6, 7 and 8 in my PCT. I provided these written considerations in my fax to Mr. Fernstrom, on October 10, 2002. On the basis of these arguments, and on the results provided under the PCT examination, I contend that the set of claims which are presently on file in my application can be allowed en masse, and should be allowed within the construct of this single application given its inherent unified body.

Sincerely,



David Andrew D'Zmura

enc. copies: "Election, with Traverse"; "Considerations on Prior Art Cited in IPER (409)..."
Replacement Filing Receipt, documenting the depth of my priority applications

P. O. Box 2541
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October 2, 2002

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D. C. 20231

by USPS Express Mail No. ET779182553US

Re: Patent Application Number: 09/849,582
Title: Method of Determining Zodiac Signs
Sole Inventor/Sole Applicant: David Andrew D'Zmura (pro se independent inventor)
Examiner: Mr. Kurt Fernstrom
Group Art Unit: 3712

Response to Office Action

Dear Mr. Fernstrom:

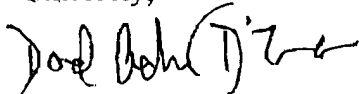
Thank you for your Office communication, bearing mailing date of September 10, 2002, containing your Detailed Action relating an Election/Restriction. I have taken careful review of this communication, and have studied the MPEP references therein, via the USPTO website. Please enter my Response to this Office Action, comprising the following items enclosed herein:

- 1) Election with Traverse, having reasoned statement to remove the restriction;
- 2) Amendment to the Claims Subject to Removal of the Restriction Requirement, deleting claims 14 and claim 28 and entering claims 34 and 35 (enclosed).

Additionally, I have taken the opportunity to study the prior art patent references cited in the IPER (Form 409) of my PCT/US00/28838, and have not found the attributes as described therein. I have drafted a memo thereon, which I could provide if you request this from me.

Thank you.

Sincerely,



David Andrew D'Zmura

enc.

Election, with Traverse

Patent Application Number: 09/849,582

Sole Inventor/Sole Applicant: David Andrew D'Zmura (pro se independent inventor)

P. O. Box 2541, Palm Desert CA 92261

Examiner: Mr. Kurt Fernstrom

Dear Mr. Fernstrom:

I would like to take this opportunity to file a traverse in my response to your office action bearing mailing date of September 10, 2002 respective my patent application, No. 09/849,582.

Concerning your division and classification of my inventions into the nine groups categorized by you, I draw your attention to the fact that nearly all of them are contained in the one class, 434, Education and Demonstration. In order to make all my inventions subject to your examination within the same class, I would, subject to a removal of the restriction requirement, opt to delete my claim 14, classified in class 368, subclass 15. With respect to Group VIII invention, classified in class 707, subclass 4, I would opt to delete claim 28 from my application. With this removal from my claims of Groups V and VIII, all the remaining invention groupings, and thereby all remaining claims, would therefore fall under the singular patent class of 434.

In heading 2. of your office action, you contend that the inventions are unrelated and provide the reasoning of ¶ 8.20.02 of the MPEP. Expressly stated is "Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects". Granted, in the instant case the different inventions are different types of apparatuses and methods having different functions and purposes, however, the ¶ 8.20.02 is a conditional statement, requiring both aspects of independence to be demonstrated: that they are not disclosed as capable of use together and they have different modes of operation, etc. In the instant case, my specification and drawings are replete with examples of use of my inventions together. For instance, my claim 11 method (Group IV invention) is operative for determination by physical stars by my invented ecliptic coordinate catalogue of the stars in the zodiac constellations (Group II); to create said catalogue, I invented my process for converting equatorial coordinate data (Group I). Further, Group IV is operative for determination by alignment using my method of aligning the zodiac signs (Group III). Group II and Group III inventions provide the data of zodiac signs contained in my Figure 1.

With respect to my Group VI inventions, the Groups II, III and IV factored directly in their construction. To wit, my Figures 7 through 9lc have their bands marked by the zodiac signs as determined either by Group II or III inventions. Moreover, the plotting of both physical stars, and zodiac symbols configured thereto, I made using the stars' coordinates via Groups I and II.

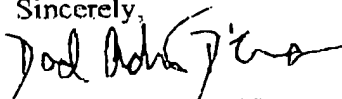
The Group VII inventions relate to astrological tarot, that is, tarot as infused by astrology, expressly, the astrological methods and apparatuses which I invented in Groups I through VI. Whereas I develop a generalized form of correspondence between the tarot's major arcanum and the astrological planets and signs in Figure 12, as well as between the tarot court cards and suits and the astrological qualities and elements, the Figures 12AI, 12B, 12C, 12D and 12G are disclosed using the data of my Group IV invention. Further, in my Figures 15A, 15B and 15C, I disclose the use together of Groups II, III, IV, VI and VIII inventions to provide the data and information utilized therein to form the subject's (myself) profile, interpretation and prediction. My Figure 16 is another example wherein my inventions of Groups II, III, IV, VI and VII were disclosed as capable of use together. Thus, I disclosed my inventions as capable of use together – my Group IX invention is the de facto invented apparatus having my specification and drawings.

I wish to point out that the use of ¶ 8.20.02, according to the MPEP, "is to be used only when claims are presented to unrelated inventions, e.g. a necktie and a locomotive bearing". I do not believe that my set of inventions comprise nearly so disparate an assortment as cited therein.

Subject to your decision to remove the restriction requirement, I would like to add two additional claims which, I believe, would fall under the patent class of 434. First, I would like to enter the horoscope claim which I previously presented for your examination in my priority application, PCT/US00/28838. Second, I would like to enter one further astrological tarot claim. It is my hope, that by removing the claim Groups in classes outside of 434, and that in rendering for your examination a set of claims with which you have previous familiarity and examination (this expressly during the First Written Opinion and IPER phases of my PCT/US00/28838), the burden upon you is thus reduced to a level acceptable to the standards of the USPTO. Thank you.

I elect inventions of Group VI to be examined even though the requirement be traversed, with the remaining claims in my application withdrawn subject to a reversal of the restriction.

Sincerely,



David Andrew D'Zmura

Amendment of the Claims Subject to Removal of Restriction Requirement

Patent Application Number: 09/849,582

Sole Inventor/Sole Applicant: David Andrew D'Zmura (pro se independent inventor)

P. O. Box 2541, Palm Desert CA 92261

Examiner: Mr. Kurt Fernstrom

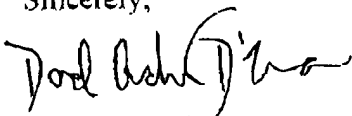
Dear Mr. Fernstrom:

Should you decide to remove the restriction requirement on my Application Number 09/849,582, please enter these amendments to the claims for your subsequent examination:

- 1) please delete claim 14;
- 2) please delete claim 28;
- 3) please enter claim 34 and claim 35.

As both claim 14 and claim 28 are independent claims, and as I have fully paid for my claims, claims 4 through 33, on file in my application, I believe that I would not owe further fees to enter the claim 34 and the claim 35, upon the deletion of claim 14 and claim 28. Thank you.

Sincerely,



David Andrew D'Zmura

enc. claim 34 and claim 35

Please enter the following claims:

34. A process for casting zodiac Sun birth sign horoscopes for a given epoch, wherein said Sun signs include the group of twelve zodiac signs, defining said signs by dates, comprising:

establishing a grid of aspects between the planetary components, a list of said components in each zodiac sign, and a list of aspects between each said component and each zodiac sign per the position of components and signs for said given epoch;

filtering said grid and lists having aspect data to revealing disposition of components aspecting each zodiac sign;

generating horoscopes for each sign based on disposition of components manifesting said given epoch respective each sign.

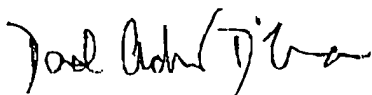
35. An astrological tarot chart, based on the zodiac component data of a subject, in conjunction with an "Age" defining the Major Arcanum XI through XXII cards, comprising:

utilizing a tarot deck of cards having 22 Major Arcanum cards, and utilizing zodiac component data, wherein such data include Western, Eastern or constellation correlated data types, in conjunction with utilizing an Age for the Major Arcanum XI through XXII zodiac sign correspondences, wherein said correspondences defined by Age are provided by claim 25;

placing the Major Arcanum card corresponding to the zodiac sign of the subject data's Ascendant at the 9 o'clock position;

placing remaining Major Arcanum cards of XI through XXII corresponding to sign in order counterclockwise forming circle;

placing the Major Arcanum cards 1 through X corresponding to zodiac planetary components in position within said circle, said position respective sign defined by circle's arc sectors.



Prepared by David Andrew D'Zmura

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October 10, 2002

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D. C. 20231

via fax: (703) 746-3221

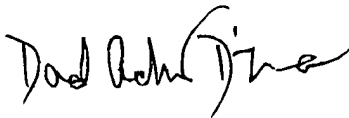
Re: Patent Application Number 09/849,582
Title: Method of Determining Zodiac Signs
Sole Inventor/Sole Applicant: David Andrew D'Zmura (pro se independent inventor)
Examiner: Mr. Kurt Fernstrom
Group Art Unit: 3712

Remarks on Prior Art Cited in IPER (409) of my PCT/US00/28838

Dear Mr. Fernstrom:

Per our discussion by phone yesterday, please find attached in this fax transmission my Considerations on Prior Art Cited in IPER of my PCT/US00/28838. I hope this is of assistance to you in the forthcoming examination of my Patent Application No. 09/849,582. Thank you.

Sincerely,



David Andrew D'Zmura

Enc.

Considerations on Prior Art Cited in IPER of my PCT/US00/28838

Patent Application Number: 09/849,582

Sole Inventor/Sole Applicant: David Andrew D'Zmura (pro se independent inventor)

Examiner: Mr. Kurt Fernstrom

Dear Mr. Fernstrom:

I would like to take this opportunity to review with you the prior art references which you cited as the basis of rejection for several claims of mine during your examination of my priority PCT application, PCT/US00/28838. After my review and reflection on these references, I do not feel that they bear as impediments to the allowance of the claims which you argued they provide.

With respect to my Group II invention, directed to a catalogue of the stars of the zodiac constellations in ecliptic coordinates of celestial longitude and celestial latitude, you contended in the First Written Opinion and in the IPER of my international application, PCT/US00/28838, that my Group II inventions lacked "an inventive step...as being obvious over Skolnick in view of Wang. Skolnick discloses... a method of mapping stars and constellations comprising listing ecliptic coordinate data for each planet in a system....Wang discloses a system for tracking the position of planets wherein the position of stars and constellations is also tracked."

My close examination of Skolnick revealed that he provides a planetarium invention "to define the positions of the sun and planets as seen from earth" (col.1, line 34), however, this is not provided in an ecliptic coordinate system, but rather, "the operation...is accomplished by employing coordinate conversion computers to change polar or spherical observational coordinates to rectangular coordinates" (col. 1, line 43). His Figures 15, 16, and 17, clearly show that rectangular coordinates are derived, these are X, Y and Z (see also col. 9, line 20).

Skolnick does make reference to the terms "ecliptic", "longitude" and "latitude", however these are "observer latitude" (col. 9, line 2) and "observer longitude...representing Y and X" (col. 9, line 6). Also, "negative ecliptic coordinate outputs -X and -Y" (col. 9, line 73). An examination of my Figure 22 and my Technical Means section of my specification reveal that celestial longitude and celestial latitude are denoted by the symbols λ and β , respectively. However, Skolnick defines his longitude by two terms, Y and X, rather than by a single term.

Further, my Figure 22 shows delineation of non-ecliptic coordinate systems, including rectangular systems, but also "Designation of Spherical Coordinates: Orbital Longitude and Latitude", having "Other Reference Planes and Directions: Orbit and Equatorial or Ecliptic Node". From an examination of Skolnick's Figures 10 and 12, it is evident that he is working via orbital longitude and latitude, as these figures show "line of nodes", "plane of planet orbit" and "equatorial plane" as defining the spherical system. At no stage does Skolnick render λ and β .

Similarly, Wang does not provide ecliptic coordinate data of celestial longitude and celestial latitude. To wit, "Fig. 1 is a schematic view of the celestial sphere and the equatorial system of coordinates" (col. 7, line 28). "An equatorial coordinate system is used to determine the position of a star on the celestial sphere" (col. 1, line 34). Such a system provides determinations in right ascension and declination, not celestial longitude and celestial latitude.

Wang does house a "system of longitudes and latitudes used to determine positions on the surface of the earth" (col. 1, line 36). However, this is not to be confused with celestial longitude and celestial latitude, which is used to determine positions in the celestial heavens. Wang's system of longitudes and latitudes is that found, and used to determine position, on a map of the earth. Such system of longitudes and latitudes has reference respective to the earth's equator.

Thus, at no point, does either Skolnick or Wang provide, render or determine the positions of any object in the heavens above the earth in the ecliptic coordinates of λ and β , and hence, the creation of my star catalogue contains inventive step over these prior art references.

With respect to my Group III inventions, comprising a method of aligning the zodiac signs across time, you contended that those claims lack an inventive step as obvious over Wang.

The invention of Wang is a mechanical apparatus which affords a calendar, clock-like, motion simulator of the planets circling the earth. It "rotates the celestial globe at the rate of one revolution per sidereal day" (Abstract). The device moves forward in time in tempo with nature. The device aligns objects with respect to the present given moment; for it to render or be useful for determinations across time, the device would require to be operated over that stretch of time.

My invention of Group III is a method utilizing mathematics to afford instantaneous alignment between two temporarily disparate moments, e.g. an ancient time, some two thousand years ago when the tropical zodiac signs corresponded to the zodiac constellations, and a current time, some two thousand years later. Via its dependent claims, my invention of Group III affords methodology determining the zodiac alignment instantaneously over any two points in time. For such inter-temporal zodiac alignment purposes, the device of Wang is impractical and unusable.

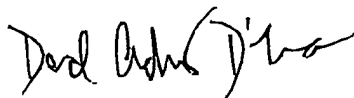
Within the patent of Wang, I failed to find any mention of astrology, nor of an astrological display, nor of any disclosure to create a sphere comprising the signs of the zodiac. As such, it is not obvious to me that such an apparatus could be used to align the zodiac signs.

During your examination of my set of claims for the First Written Opinion, you contended that my process of generating horoscopes was obvious over Boyd. Having now taken the time to review Boyd, I do not believe this prior art citation is relevant to my horoscope claim.

The invention of Boyd "is an astrology chart apparatus operable to readily determine (1) characteristics of any of the twelve houses of astrology; (2) key words relative to any such house; (3) comparison ratings of compatibility between any sun sign with another person's sun sign"(Abstract).

My horoscope process serves to determine the disposition of each of the twelve sun signs respective a particular moment or epoch of time. In contrast, Boyd provides a generalized, non-temporal assessment of houses (axial components), and a general, non-temporal, compatibility between the sun signs, as determined solely by their presumed general nature. Whereas my method contains specification concerning the planetary components, and constructs an aspect grid based on the actual location of the planetary components respective each of the sun signs for a given point in time, Boyd provides no capability or description related to these techniques.

I hope this research and these remarks with respect to the prior art citations in the IPER (Form 409) of my PCT/US00/28838 will help to clarify those prior art patents and my invention.



Researched and Prepared by David Andrew D'Zmura

HP Fax Series 1020

Last Transaction Report

Name : DAVID ANDREW D'ZMURA
Fax Number : 760 674 3219
Date&Time : Oct 10 2002 11:17am

Last Fax

Date	Time	Type	Identification	Duration	Pages	Result
Oct 10 2002	11:14:33am	Sent		00:02:13	04	Ok
